

ADRMOP, E-Filing, REFSET-JCS, RELATE

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-02382-WHA**

McConnell et al v. Pacificorp, Inc.
Assigned to: Hon. William H. Alsup
Relate Case Cases: [3:07-cv-03908-WHA](#)
[3:07-cv-06199-WHA](#)
Cause: 28:1331 Fed. Question: Tort Action

Date Filed: 05/02/2007
Jury Demand: Plaintiff
Nature of Suit: 240 Torts to Land
Jurisdiction: Federal Question

Plaintiff**Howard McConnell**

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Plaintiff**Leaf G. Hillman**

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Plaintiff**Frankie Joe Myers**

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Plaintiff

Klamath Riverkeeper

*a project of Klamath Forest Alliance, a
California nonprofit corporation*

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V.

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Date Filed	#	Docket Text
05/02/2007	<u>1</u>	COMPLAINT and DEMAND FOR JURY TRIAL against Pacificorp, Inc. (Filing fee \$ 350, receipt number 34611005856.). Filed by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (sis, COURT STAFF) (Filed on 5/2/2007) Additional attachment(s) added on 5/16/2007 (sis, COURT STAFF). (Entered: 05/03/2007)
05/02/2007		Summons Issued as to Pacificorp, Inc.. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/02/2007	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 8/2/2007. Case Management Conference set for 8/9/2007 11:00 AM. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/02/2007	<u>3</u>	SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE re <u>2</u> ADR Scheduling Order (Attachments: # <u>1</u> Standing Order)(sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/02/2007	4	MOTION for leave to appear in Pro Hac Vice, Kevin J. Madonna, Esq., (Filing fee \$ 210, receipt number 34611005856.) filed by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/02/2007		Received Order re 4 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611005856.) by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)

05/02/2007	5	MOTION for leave to appear in Pro Hac Vice, Robert F. Kennedy, Jr., Esq., (Filing fee \$ 210, receipt number 34611005856.) filed by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/02/2007		Received Order re 5 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611005856.) by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/02/2007		CASE DESIGNATED for Electronic Filing. (sis, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
05/04/2007	6	ORDER by Judge William Alsup granting 5 Motion for Pro Hac Vice of Robert F. Kennedy, Jr. (dt, COURT STAFF) (Filed on 5/4/2007) (Entered: 05/04/2007)
05/04/2007	7	ORDER by Judge William Alsup granting 4 Motion for Pro Hac Vice of Kevin J. Madonna. (dt, COURT STAFF) (Filed on 5/4/2007) (Entered: 05/04/2007)
05/17/2007	8	Summons Returned Unexecuted by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman as to Pacificorp, Inc.. (sis, COURT STAFF) (Filed on 5/17/2007) (Entered: 05/18/2007)
05/17/2007		Summons Issued as to Pacificorp. <i>Amended</i> (sis, COURT STAFF) (Filed on 5/17/2007) (Entered: 05/18/2007)
05/29/2007	9	ORDER RESETTING CASE MANAGEMENT CONFERENCE. Signed by Judge William Alsup on 5/29/2007. (whasec, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/29/2007)
05/29/2007		Set Deadlines/Hearings: Case Management Statement due by 7/26/2007. Case Management Conference set for 8/2/2007 11:00 AM. (sis, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/30/2007)
06/19/2007	10	<i>PACIFICORP'S ANSWER to Complaint For: 1) Private Nuisance - Continuing; 2) Private Nuisance - Permanent; 3) Public Nuisance - Continuing; 4) Public Nuisance - Permanent; 5) Trespass; 6) Negligence; and 7) Unlawful Business Practices (Cal. Bus. & Prof. Code Section 17200)</i> by Pacificorp. (Lytz, Karl) (Filed on 6/19/2007) (Entered: 06/19/2007)
06/19/2007	11	NOTICE of Appearance by Karl Samuel Lytz , <i>Richard W. Raushenbush and Randi L. Wallach</i> (Lytz, Karl) (Filed on 6/19/2007) (Entered: 06/19/2007)
06/19/2007	12	NOTICE by Pacificorp <i>of Pendency of Other Action</i> (Lytz, Karl) (Filed on 6/19/2007) (Entered: 06/19/2007)
06/19/2007	13	Certificate of Interested Entities by Karl Samuel Lytz (<i>Pacificorp, Inc.</i>) (Lytz, Karl) (Filed on 6/19/2007) (Entered: 06/19/2007)
06/21/2007	14	CERTIFICATE OF SERVICE by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman <i>Proof of Service of Summons and Complaint on Pacificorp</i> (Lyons, Barbara) (Filed on 6/21/2007) (Entered: 06/21/2007)
07/12/2007	15	MOTION to Dismiss for Lack of Jurisdiction <i>and for Judgment on the Pleadings; Memorandum of Points and Authorities in Support Thereof</i> filed by Pacificorp. Motion Hearing set for 8/16/2007 08:00 AM in Courtroom 9, 19th Floor, San Francisco. (Lytz, Karl) (Filed on 7/12/2007) (Entered: 07/12/2007)

07/12/2007	16	MOTION to Stay ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF</i> filed by Pacificorp. Motion Hearing set for 8/16/2007 08:00 AM in Courtroom 9, 19th Floor, San Francisco. (Lytz, Karl) (Filed on 7/12/2007) (Entered: 07/12/2007)
07/12/2007	17	Request for Judicial Notice re 15 MOTION to Dismiss for Lack of Jurisdiction <i>and for Judgment on the Pleadings; Memorandum of Points and Authorities in Support Thereof</i> , 16 MOTION to Stay ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF</i> filed by Pacificorp. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C - Part I# 4 Exhibit C - Part II# 5 Exhibit C - Part III# 6 Exhibit C - Part IV# 7 Exhibit C - Part V# 8 Exhibit C - Part VI# 9 Exhibit D# 10 Exhibit E# 11 Exhibit F - Part I# 12 Exhibit F - Part II# 13 Exhibit G)(Related document(s) 15 , 16) (Lytz, Karl) (Filed on 7/12/2007) (Entered: 07/12/2007)
07/12/2007	18	Declaration of RANDI L. WALLACH in Support of 17 Request for Judicial Notice,, filed by Pacificorp. (Related document(s) 17) (Lytz, Karl) (Filed on 7/12/2007) (Entered: 07/12/2007)
07/17/2007	19	NOTICE of Appearance by Benjamin Joseph Horwich (Horwich, Benjamin) (Filed on 7/17/2007) (Entered: 07/17/2007)
07/17/2007	20	Proposed Order re 15 MOTION to Dismiss for Lack of Jurisdiction <i>and for Judgment on the Pleadings; Memorandum of Points and Authorities in Support Thereof</i> by Pacificorp. (Horwich, Benjamin) (Filed on 7/17/2007) (Entered: 07/17/2007)
07/17/2007	21	Proposed Order re 16 MOTION to Stay ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF</i> by Pacificorp. (Horwich, Benjamin) (Filed on 7/17/2007) (Entered: 07/17/2007)
07/18/2007	22	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>BY PARTIES AND COUNSEL</i> (Raushenbush, Richard) (Filed on 7/18/2007) (Entered: 07/18/2007)
07/18/2007	23	STIPULATION AND PROPOSED ORDER RESCHEDULING CASE MANAGEMENT CONFERENCE by Pacificorp. (Raushenbush, Richard) (Filed on 7/18/2007) (Entered: 07/18/2007)
07/19/2007	24	STIPULATION AND ORDER CONTINUING CASE MANAGEMENT CONFERENCE [re 23 Stipulation filed by Pacificorp]. Signed by Judge William Alsup on 7/19/2007. (whasec, COURT STAFF) (Filed on 7/19/2007) (Entered: 07/19/2007)
07/19/2007	25	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Lyons, Barbara) (Filed on 7/19/2007) (Entered: 07/19/2007)
07/19/2007		Set/Reset Hearings: Case Management Conference set for 8/16/2007 08:00 AM. (sis, COURT STAFF) (Filed on 7/19/2007) (Entered: 07/20/2007)
07/26/2007	26	Memorandum in Opposition re 16 MOTION to Stay ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF</i> filed by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Lyons, Barbara) (Filed on 7/26/2007) (Entered: 07/26/2007)
07/26/2007	27	Proposed Order re 26 Memorandum in Opposition, <i>Denying Def's Motion to Stay</i> by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Lyons, Barbara) (Filed on 7/26/2007) (Entered: 07/26/2007)
07/26/2007	28	Memorandum in Opposition re 15 MOTION to Dismiss for Lack of Jurisdiction <i>and for Judgment on the Pleadings; Memorandum of Points and Authorities in Support Thereof</i> filed by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson,

		Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Lyons, Barbara) (Filed on 7/26/2007) (Entered: 07/26/2007)
07/26/2007	29	Proposed Order re 28 Memorandum in Opposition, <i>Denying Def's Motion to Dismiss</i> by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Lyons, Barbara) (Filed on 7/26/2007) (Entered: 07/26/2007)
07/26/2007	30	OBJECTIONS to re 15 MOTION to Dismiss for Lack of Jurisdiction <i>and for Judgment on the Pleadings; Memorandum of Points and Authorities in Support Thereof</i> , 16 MOTION to Stay ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF RESPONSE TO DEFENDANT PACIFICORPS REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS FOR LACK OF JURISDICTION AND FOR JUDGMENT ON THE PLEADINGS AND MOTION TO STAY</i> by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Lyons, Barbara) (Filed on 7/26/2007) (Entered: 07/26/2007)
07/26/2007	31	CERTIFICATE OF SERVICE by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman re 29 Proposed Order, 30 Objection,, 28 Memorandum in Opposition, 26 Memorandum in Opposition, 27 Proposed Order, <i>Proof of Service</i> (Lyons, Barbara) (Filed on 7/26/2007) (Entered: 07/26/2007)
08/01/2007	32	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Regina Chichizola</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/01/2007	33	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Leaf G. Hillman</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/01/2007	34	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Howard McConnell</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/01/2007	35	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Frankie Joe Myers</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/01/2007	36	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Terance J. Supahan</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/01/2007	37	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Michael T. Hudson</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/01/2007	38	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Robert Atteberty</i> (Lyons, Barbara) (Filed on 8/1/2007) (Entered: 08/01/2007)
08/02/2007	39	Reply Memorandum <i>in Support of its Motion to Dismiss For Lack of Jurisdiction, And For Judgment On the Pleadings</i> filed byPacifcorp. (Horwich, Benjamin) (Filed on 8/2/2007) (Entered: 08/02/2007)
08/02/2007	40	Reply Memorandum <i>In Support Of Motion to Stay</i> filed byPacifcorp. (Wallach, Randi) (Filed on 8/2/2007) (Entered: 08/02/2007)
08/02/2007	41	REPORT of Rule 26(f) Planning Meeting <i>Initial Joint Rule 26(f) Report</i> . (Lyons, Barbara) (Filed on 8/2/2007) (Entered: 08/02/2007)
08/08/2007	42	CLERK'S NOTICE Rescheduling Motion Hearing and Case Management Conference. Motion to Dismiss and for Stay Hearing and CMC set for 8/16/2007 02:00 PM in Courtroom 9, 19th Floor, San Francisco. (dt, COURT STAFF) (Filed on 8/8/2007) (Entered: 08/08/2007)

08/08/2007	43	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options <i>Blythe Reis</i> (Lyons, Barbara) (Filed on 8/8/2007) (Entered: 08/08/2007)
08/09/2007	44	JOINT CASE MANAGEMENT STATEMENT <i>Joint Case Management Conference Statement</i> filed by Pacificorp. (Attachments: # 1 Proposed Order)(Wallach, Randi) (Filed on 8/9/2007) (Entered: 08/09/2007)
08/10/2007	45	ADR Clerks Notice Setting ADR Phone Conference on 8/15/07 at 11:00 a.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs, COURT STAFF) (Filed on 8/10/2007) (Entered: 08/10/2007)
08/14/2007	46	ORDER RE HEARING. Signed by Judge Alsup on 8/14/2007. (whalc2, COURT STAFF) (Filed on 8/14/2007) (Entered: 08/14/2007)
08/15/2007		ADR Remark: ADR Phone Conference conducted on 8/15/07 by RWS. (tjs, COURT STAFF) (Filed on 8/15/2007) (Entered: 08/20/2007)
08/16/2007	47	Minute Entry: Motion Hearing held on 8/16/2007 before William Alsup (Date Filed: 8/16/2007) re 15 MOTION to Dismiss for Lack of Jurisdiction and for Judgment on the Pleadings filed by Pacificorp, 16 MOTION to Stay filed by Pacificorp. Initial Case Management Conference held on 8/16/2007 before William Alsup. (Date Filed: 8/16/2007), CASE REFERRED to Magistrate Judge Spero for Settlement Conference. Discovery due by 7/25/2008. Motions due by 9/11/2008. Jury Trial set for 12/1/2008 07:30 AM. Pretrial Conference set for 11/17/2008 02:00 PM. (Court Reporter Kathy Powell.) (dt, COURT STAFF) (Date Filed: 8/16/2007) (Entered: 08/16/2007)
08/16/2007	48	CASE MANAGEMENT SCHEDULING ORDER: ORDER REFERRING CASE to Magistrate Judge Joseph C. Spero for Mediation/Settlement. Discovery due by 7/25/2008. Jury Trial set for 12/1/2008 07:30 AM in Courtroom 9, 19th Floor, San Francisco. Motions due by 9/11/2008. Pretrial Conference set for 11/17/2008 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Signed by Judge William Alsup on 8/16/2007. (whasec, COURT STAFF) (Filed on 8/16/2007) (Entered: 08/16/2007)
08/17/2007	49	ORDER GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS OR FOR JUDGMENT ON THE PLEADINGS AND DENYING MOTION TO STAY by Judge Alsup granting in part and denying in part 15 Motion to Dismiss for Lack of Jurisdiction; denying 16 Motion to Stay. (whalc2, COURT STAFF) (Filed on 8/17/2007) (Entered: 08/17/2007)
08/20/2007		CASE REFERRED to Magistrate Judge Joseph C. Spero for Settlement (klh, COURT STAFF) (Filed on 8/20/2007) (Entered: 08/20/2007)
08/31/2007	50	NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER. A Settlement Conference is set for 2/12/2008, at 9:30 a.m. Settlement Conference Statements shall be LODGED with Chambers (NOT electronically filed) no later than 1/29/2008. Signed by Magistrate Judge Joseph C. Spero on 8/31/2007. (jcssec, COURT STAFF) (Filed on 8/31/2007) (Entered: 08/31/2007)
11/08/2007	51	MOTION to Relate Case <i>ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED</i> filed by Klamath Riverkeeper. (Hunt, Drevet) (Filed on 11/8/2007) (Entered: 11/08/2007)
11/08/2007	52	Declaration of Drevet Hunt in Support of 51 MOTION to Relate Case <i>ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED</i> filed by Klamath Riverkeeper. (Related document(s) 51) (Hunt, Drevet) (Filed on 11/8/2007) (Entered: 11/08/2007)
11/08/2007	53	Proposed Order re 51 MOTION to Relate Case <i>ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED</i> by Klamath Riverkeeper.

		(Hunt, Drevet) (Filed on 11/8/2007) (Entered: 11/08/2007)
11/08/2007	54	CERTIFICATE OF SERVICE by Klamath Riverkeeper re 51 MOTION to Relate Case <i>ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED</i> , 53 Proposed Order, 52 Declaration in Support (Hunt, Drevet) (Filed on 11/8/2007) (Entered: 11/08/2007)
11/09/2007	55	Memorandum in Opposition 51 to <i>Administrative Motion to Consider Whether Cases Should Be Related</i> filed by United States Environmental Protection Agency. (Attachments: # 1 Proposed Order Denying Administrative Motion to Consider Whether Cases Should Be Related)(Russell, Rochelle) (Filed on 11/9/2007) Modified on 11/13/2007 (sis, COURT STAFF). (Entered: 11/09/2007)
11/14/2007	56	ORDER RELATING CASE to C07-3908 SBA by Judge William Alsup granting 51 Motion to Relate Case. (dt, COURT STAFF) (Filed on 11/14/2007) (Entered: 11/14/2007)
12/03/2007	57	STIPULATION <i>STIPULATED PROTECTIVE ORDER</i> by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Klamath Riverkeeper, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Lyons, Barbara) (Filed on 12/3/2007) (Entered: 12/03/2007)
12/03/2007	58	REPORT of Rule 26(f) Planning Meeting <i>JOINT DISCOVERY PLAN</i> . (Lyons, Barbara) (Filed on 12/3/2007) (Entered: 12/03/2007)
12/04/2007	59	ORDER APPROVING STIPULATED PROTECTIVE ORDER SUBJECT TO STATED CONDITIONS. Signed by Judge Alsup on December 4, 2007. (Attachments: # 1 Stipulated Protective Order)(whalc2, COURT STAFF) (Filed on 12/4/2007) (Entered: 12/04/2007)
12/12/2007	60	MOTION to Relate Case - <i>Administrative Motion to Consider Whether Cases Should be Related</i> filed by Robert Attebery, Frankie Joe Myers, Terance J. Supahan, Michael T. Hudson, Blythe Reis, Howard McConnell, Klamath Riverkeeper, Leaf G. Hillman. (Cooper, Daniel) (Filed on 12/12/2007) (Entered: 12/12/2007)
12/17/2007	61	ORDER RELATING CASE. Case C07-6199MMC is related to C07-2382WHA. Signed by Judge William Alsup on 12/14/07. (dt, COURT STAFF) (Filed on 12/17/2007) (Entered: 12/17/2007)

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